

April 5, 2004

IMMEDIATE RELEASE

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OF THE COURT, BUT IS SOLELY FOR  
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IN THE SUPREME COURT OF THE STATE OF IDAHO  
Docket No. 29096

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MICHAEL SUMMERS and ANGEL  
SUMMERS, husband and wife, both  
individually and as the natural parents and  
guardians of Ryan Summers and Matthew  
Summers, minor children, and  
MATTHEW SUMMERS and RYAN  
SUMMERS, individually,

Plaintiffs-Appellants,

v.

CAMBRIDGE JOINT SCHOOL  
DISTRICT NO. 432 and JOHN DOES I  
through X, whose true identities are  
presently unknown,

Defendants-Respondents.

Boise, January 2004 Term

2004 Opinion No. 36

Filed: April 5, 2004

Frederick C. Lyon, Clerk

Appeal from the District Court of the Third Judicial District, State of  
Idaho, Washington County. Hon. Stephen W. Drescher, District Judge.

Order granting summary judgment in school district's favor and dismissal,  
affirmed.

Johnson & Monteleone, L.L. P., Boise, for appellant. Jason R.N.  
Monteleone argued.

Anderson, Julian & Hull, Boise, for respondents. Brian K. Julian argued.

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In a unanimous opinion, the Idaho Supreme Court dismissed the plaintiff's  
negligence case against Cambridge Joint School District No. 432.

This case involves the claims of Michael and Angel Summers for the severe  
injuries their son, Ryan Summers, received when he was hit by a pick-up truck. Matthew

and Ryan Summers were being bused from school to their home by the Cambridge Joint School District's bus and bus driver. On a motion for summary judgment the district court dismissed the claims finding the School District was immune from suit under I.C. § 6-904(a). The Idaho Supreme Court affirms the dismissal order of the district judge on other grounds.

On April 1, 1999, a pickup truck traveling on US Highway 95 struck five-year old Ryan Summers causing him serious injuries. On that day, the school bus driver, an employee of Cambridge School District, dropped off Ryan and his older brother, Matthew, at their usual bus stop. The boys exited the bus, crossed in front of it, and safely reached their driveway on the opposite side of the highway. They had walked approximately twenty feet up their driveway toward their home. When Matthew lost some papers which blew across the highway, the school bus driver noticed Matthew intending to reenter the highway and re-extended the stop arm of the bus to allow Matthew to reenter the highway. Matthew refused to reenter the highway and waved the bus driver on. The school bus driver proceeded.

After the school bus had left, Matthew crossed the highway and while Matthew was across the highway, Ryan ran out into the highway to collect Easter grass that had blown from his Easter basket. A pickup truck traveling in the opposite direction of the school bus struck Ryan. The plaintiffs filed a negligence action against the Cambridge School District and the district court dismissed their lawsuit.

The Idaho State Supreme Court today finds the Cambridge School District did not violate any duty owed to Ryan Summers. The Court finds that after the school bus driver deposited Ryan Summers in a safe place, the Cambridge School District's duty to him ended. When Ryan exited the bus, crossed in front of the school bus, reached his driveway on the opposite side of the highway, and walked approximately twenty feet up his driveway towards his home, the Cambridge School District had completed its safekeeping of him. Although the school bus driver saw Ryan and Matthew stop their progression toward their home, the school bus driver tried to protect Matthew by stopping the bus and re-extending the arm of the school bus thus stopping all traffic in both directions. However, Matthew waved the school bus driver on. There was no indication at that time Ryan was leaving his position of safety. When the school bus driver had continued down the road, Ryan then came out of his safe haven, walked down his driveway and ran across the highway in front of the pickup.

As a result, the Court finds that the school bus driver and the district owed no further duty to Ryan Summers than what had already taken place and therefore upheld the district court's dismissal of the matter.